

ROBERT B. HOFFMAN
Arbitrator/Mediator/Special Magistrate

rev. 2/28/19

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R E S U M E

Summary

Mr. Hoffman has written over 1000 arbitration decisions, many of them published by BNA, CCH, Westlaw and other arbitration publications. His decisions are also cited throughout the leading arbitration treatises: Elkouri & Elkouri, *How Arbitration Works*; Brand & Biren, *Discipline and Discharge in Arbitration*; *Fairweather's Practice and Procedure in Labor Arbitration*. He is a member of the National Academy of Arbitrators and hears cases in the public and private sectors. He serves on permanent labor panels and as a national arbitrator for numerous employers and unions, as well as labor and employment panels for AAA, FMCS, and AMS. He also is a member of the arbitration panel for the International Centre for Dispute Resolution (ICDR) that hears cruise line employees' personal injuries claims in the U.S. and internationally. He served as a Special Magistrate for the Florida Public Employee Relations Commission for public employer and interest disputes, mediation and fact finding. He functions as a mentor to new arbitrators under the FMCS mentoring program. Mr. Hoffman has worked full time as an arbitrator and mediator since 1990 and previously practiced law and served with the National Labor Relations Board.

Dispute Resolution Memberships

- National Academy of Arbitrators
- Centre for Dispute Resolution

Member -- Labor & Employment Arbitration Selection Panels

- Los Angeles City Employee Relations Board
- Los Angeles County Employee Relations Commission
- California State Mediation and Conciliation Service
- City of Phoenix, AZ Employee Relations Board, Fact-Finder
- American Arbitration Association (Labor Panel)
- American Arbitration Association (Employment Panel)
- Federal Mediation & Conciliation Service (Labor Panel)
- Arbitration and Mediation Service (AMS)
- Federal Sector Labor Relations
- North American Agreement on Labor Cooperation (NAALC)
- National Mediation Board

Served by Permanent Appointment to Labor Arbitration Panels

- Kravis Center & IATSE 500 (Stagehands)
- Federal Express & Airline Pilots Association (Pilots)
- Southwest Airlines & TWU (Flight Attendants)
- Southwest Airlines & TWU (Ramp, Operations, Provisioning and Freight Agents)
- American Airlines & Association of Professional Flight Attendants
- American Airlines & TWU (Mechanics and ramp employees)
- Transportation Security Administration (TSA) and AFGE (Security employees at all U.S. airports)

- Social Security Administration & AFGE
- Miami-Dade County & IAFF
- Tenet Healthcare Corp. & SEIU (Sole National arbitrator for Labor Accord and Election Agreement)
- Tenet Healthcare Corp. & CNA/NNOC (Sole National arbitrator for Labor Accord and Election Agreement)
- ResCare & SEIU (National Partnership Agreement, one of three National arbitrators)
- WellStar & SEIU (Sole National arbitrator for Labor Accord)
- Wackenhut Services, Inc. & International Guards Union of America
- City of Naples, Florida & AFSCME
- City of Boynton Beach, Florida & SEIU
- State of Florida & AFSCME
- U.S. Postal Service & FOP
- University of Central Florida, Orlando
- University of Florida, Gainesville
- Palm Beach County, Florida & Professional Fire Fighters/Paramedics Local 2928
- State of Florida & PBA/IUPA (Florida Highway Patrol Unit) (1996-2003)
- State of Florida & PBA/IUPA (Law Enforcement Unit) (1996-2003)
- State of Florida & PBA (Special Agents Unit) (1996-2003)
- State of Florida & PBA (Security Services Unit) (1996-2003)
- State University System of Florida, Board of Regents & United Faculty of Florida (1994-2000)
- Broward County, Florida Sheriff's Office & Federation of Public Employees (1993-1996)
- Broward County, Florida Sheriff's Office & PBA (1996-2001)
- U.S. Postal Service & American Postal Workers Union (1995-2008)
- U. S. Air Force & AFGE (1995-1999)

Served Permanent Appointment to Mediator, Magistrate & Hearing Examiner Panels

- State of Florida, Public Employee Relations Commission, Special Magistrate
- Miami-Dade County Florida, Hearing Examiner
- State of Alabama, Dept. of Education, Hearing Officer
- Port of Miami, Florida, Hearing Examiner
- American Arbitration Association – Employment/EEO Panels, Mediator
- Miami-Dade County Commission on Ethics
- Equal Employment Opportunity Commission -- Mediation Panel, Mediator (1996-2005)
- Publix Supermarkets, Mediator (1996-2005)
- Pizza Hut National Mediation Program, Mediator
- Lee County, Florida Human Relations Review Board, Member (1994-1998)
- Illinois State Board of Education, Hearing Appeals Officer and Hearing Examiner (1985-89)
- Illinois State Labor Relations Board, Mediator (1985-89)
- Illinois State Educational Labor Relations Board, Mediator (1986-1990)

Non-Labor and Non-Employment Arbitration/Mediation Panels

- International Centre for Dispute Resolution, Personal Injury panel, Seafarers and Cruise Lines
- American Arbitration Association, Commercial Panel
- American Arbitration Association, Securities Panel (1995-2013)
- Department of Insurance, State of Florida, Mediator (1997-2000)
- Attorney General, State of Florida, Arbitrator, New Motor Vehicle Arbitration Board (1997-99)
- National Association of Securities Dealers (Employment & Securities Panels), arbitrator (1996-99)

Public Sector and Private Industries:

- *Private industry concentration:* hospitals/nursing homes, airlines (pilots, flight attendants, mechanics, ramp, provisioning and freight agents), cruise lines, trucking, shipping, buses, aerospace, tour operators, rental car agencies, hotels and resorts, security guards, food services, food manufacture, chemicals, pharmaceuticals, equipment manufacturing, entertainment, public utilities, oil and gas, waste disposal.

Public Sector: e.g., Federal, State, County, municipalities, school boards, utility districts, water treatment districts, transit districts, colleges, et al, includes doctors, nurses, hospital staffs, police, fire, teachers, corrections, transit; bus; security; water and sewer; water treatment; office workers, maintenance, supervisors, judges, investigators, geological, military (non-uniformed military personnel).

Examples of Issues Arbitrated:

- *Discipline and discharge* -- just cause; other contractual and non-contract standards.
- *Procedural* -- arbitrability, burden proof, timeliness, due process, investigation, notification, double jeopardy, progressive discipline.
- *Merits* -- absenteeism, insubordination, fighting and threats, productivity, job performance, sleeping/neglect duty, unbecoming conduct, substance abuse, falsification, health insurance, lay-off/recall, safety, seniority, overtime, internet usage, management rights, past practices, subcontracting.
- *Mitigation* -- disparate treatment, lax enforcement, disciplinary record, seniority.
- *Non-Union employment contracts and torts* -- fraud, negligence, infliction of emotional distress, defamation, compensatory and punitive damages.
- *International disputes* for cruise lines -- Jones Act negligence, general maritime law, maintenance and cure, variety of tort claims and damages; · *NLRA* discrimination and election issues.
- *Interest arbitration* -- applying cost and statistical analyses, contractual and statutory standards for wages, pensions, insurance, various leave plans and other contractual cost items; non-cost items.

Former Law Employment

- Arnstein & Lehr, Chicago, Illinois. Senior Partner, Member Executive Committee, Chair Labor & Employment Dept., Hiring Partner
- Rooks, Pitts & Poust, Chicago, Illinois. Partner. Chair Labor & Employment Department
- Laner, Muchin, Dombrow & Becker, Chicago Illinois. Partner
- National Labor Relations Board, San Francisco, California, trial attorney.

Education:

- Northwestern University School of Law, Chicago IL -- J.D.
- University of Wisconsin, Madison WI -- B.S.

Certifications:

- State Bar of California
- Illinois State Bar · U.S. Supreme Court
- State of Florida, Court Appointed Arbitrator
- Supreme Court of Florida, Certified Mediator
- Federal Labor Relations Authority, certified Arbitrator
- National Association of Securities Dealers certified Arbitrator · State of Florida Attorney General

Training and Continued Education:

American Arbitration Association seminars and workshops; National Academy of Arbitrators' National Conferences, Regional Conferences and Fall Educational Conferences; Florida PERC Training Special Magistrates; JAMS; Florida Attorney General Arbitrator Training; Federal Labor Relations Authority Training for Arbitrators; Florida Mediation Training Certification Program.

TOTAL ARBITRATION CASES

Appointed Cases -- 1599
Final & Binding Awards – 944
Recommended Decisions – 39
Interest Awards – 32
Special Education Awards -- 10
TOTAL CASES DECIDED – 1025

Percentage appointed/decided – 64%

Published Decisions and Awards – 274 (see Appendix A for listing)

- • **Publication Policy for all Decisions:** Parties not desiring publication, except Florida Special Magistrate cases, need contact the arbitrator within 30 days after issuance of the decision. • •

TOTAL MEDIATION APPOINTED CASES

AAA (Commercial/Employment/EEO/labor) – 39

EEOC – 11

GSA (EEO) – 3

Other Federal Agencies (EEO) – 12

State of Florida Agencies (Employment/EEO) -- 2

Employment/EEO - Private – 38

NASD --3

Fl. Dept. Insur. – 12

Commercial Private – 15

Other - 4

TOTAL – 139

APPENDICES (next pages)

A. Arbitration Decisions Published

B. Fee Schedule

APPENDIX A

Arbitration Decisions Published

Citation Keys: LA (Bloomberg BNA); ARB (Commerce Clearing House); LRP, WL & LAIS (Westlaw)

- Buckeye Pipe Line Service/Buckeye Tri-State Pipe Line Union* , 2018 WL 3114551
- Durham School Service/IBT*, 2018 WL 3104515
- U.S. Dept. Agriculture/AFGE*, 2018 WL 2356379
- Georgia-Pacific/United Steel Workers*, 2018 WL 2411332
- Palm Tran/ATU*, 2017 WL 9473162
- Miami-Dade County/IAFF*, 2017 WL 9473161
- City Hialeah/AFSCME*, 2017 WL 3701003
- FEA/United and IBT*, 2017 WL 908394 (Union organizer terminated by School for alleged illegal recording)
- Orange County Public School/s/OCCTA*, 2017 WL 6016142 (burden proof; recant; dishonesty; due process term notice)
- Seminole County/IAFF*, 2017 WL 6016144 (burden proof contract gr.; interpretation – plain meaning & whole contract)
- Palm Beach County School Board/PBC Teachers Assoc.*, 2017 WL 3887540 (reprisal; discrimination)
- City of Miami Beach and CWA* – 2017 WL 4386426 (Timeliness; vacancy filling)
- Santa Rosa School District and Santa Rosa Professional Educators* – 2017 WL 4386431 (Impasse decision)
- Miami-Dade County/AFSCME*, 2017 WL 3005368 (grievance moot)
- Walt Disney Parks and Resorts/IATSE*, 2017 WL 3005369 (Probationary employees)
- Miami-Dade County/TWU, Local 291 (4/10/17)*, 2017 WL 2458282 (Remedy for 13(c) violations)
- Marriott Frenchman’s Reef/USW*, 2017 WL 2458283 (timelines of arb appeal)
- City Cape Coral/IUP*, 2017 WL 2458281 (water treatment plant duties)
- Healthcare Services Group /1199SEIU*, 2017 WL 2458280.(wages “me-too” obligation)
- Miami-Dade County/TWU, (March 7, 2017)*, 2017 WL 1488368 (Mandatory Injunction; 13(c) Transit Act)
- Miami-Dade County/Dade County PBA*, 2017 WL 1488366 (use of force police; fair I; Police Bill Rights; delay)
- Miami-Dade County/TWU, Local 291 (January 16, 2017)*, 2017 WL 1488367 (Mot/ Immediate Relief Transit Act 13(c))
- United Teachers Dade/IBT*, 2017 WL 908394 (audio record no consent; incompetence; c & c burden; fair investig; dispar treat.)
- St. Mary’s Medical Center/SEIU*, 2016 WL 7542974 (threats; last chance agreement)
- Jacksonville Transit/ATU*, 2016 WL 7542957 (driver retaliate to insults; burden; prog.discipline; unbecoming; safety; training)
- Paul Mueller Co./SMW*, 2016 WL 8456821 (bidding; vacancy; classif. or job bid pro; plain meaning rule)
- St. Lucie Schools/CNA*, 2016 WL 7111892 (Mot. Dismiss; 13 year delay to arb; reasonable promptness if no time limit in contract; laches)
- Miami Beach Resort/HERE*, 2016 WL 7111895 (“just and reasonable cause;” failure perform; investig; notif. charges; reasons term; gross misconduct; burden proof; remedy)
- Nursing Center University Village/1199 SEIU*, 2016 WL 6818363 (falsify; neglect; burden; disp. tr.; opportunity before termination)
- City of Lake Worth/ IBEW, Local 359*, 2016 WL 6818364 (Insubordination; safety)
- Miami-Dade County/PBA*, 2016 WL 5349695 (definition “crash”; Weingarten; promptness; disp. treatment)
- City of Miramar/IAFF*, 2016 WL 5349694 (unbecoming; mitigation forgiveness, seniority, record)
- Miami-Dade County/AFSCME*, 2016 WL 4445578 (Union no authority to its Regional Council for settlement agreement)
- City of Memphis/Memphis Police Association*, 2016 WL 4445579 (absent witnesses, hearsay, reliable proof)
- United Parcel Service/IBT, Local 769*, 2016 WL 3742251 (Credibility factors)
- Miami-Dade County/TWU, Local 291*, 2016 WL 3742250 (contract interpretation of federal transportation grant)
- *City of Margate/ FOP*. 2016 WL 2893737 (timeliness)
- *City of Coral Gables/IBT, Local 769*, 2015 WL 10859972 (Job bid opportunity period)
- *First Transit/IBT*, 2016 WL 1696706 (Validity of renewed ME certificate for bus driver and State registration)
- *Miami-Dade County/TWU*, 2015 WL 10710162 (validity of union withdrawal of grievance at arb stage; mail box rule)
- *Miami-Dade County/AFSCME*, 2015 WL 10710161 (Contracting Out Janitorial Jobs)
- *Miami-Dade County/AFSCME*, 2015 WL 10710160 (Contracting Out Plumbing and Other Jobs)
- *CertainTeed Corp/Glass Workers* 2015 WL 9918429 (not clear or convincing; medical excuse; remedy conditions)
- *City of Hialeah/PBA*, 2015 WL 7422766 (due process - combining discharge two separate incidents; disparate treatment) -
- *Indian River Medical Center/IBT*, 2015 WL 5821078 (HIPPA privacy; disparate treatment; evenhandedness)
- *AVI-SPL/ Clark*, 2015 WL 4504183 (Employ Arb – refused assignment; insubord; elg for severance, cause, pretext)
- *Lewis Bros/Bakeries/Bakery Workers*, 2015 WL 4638434 (food contamination; course conduct; disparate treatment)
- *Miami-Dade County/TWU*, 2015 WL 4638438 (Refusal drug test; reasonable suspicion; insubordination; unbecoming)
- *City of Hallandale Beach/IAFF*, 2015 WL 2174395 (dishonesty; credibility; corroboration; prog. discipline)

- *Miami-Dade County/TWU*, 2015 WL 926290 (Sleep Apnea; timeliness, continuing violation and waiver)
- *Miami-Dade County/IAFF*, 2015 WL 926286 (burden proof; grievance wording limit; job bidding; unlat. Changes; ripeness) - *Allied Waste Services/IBT*, 2014 WL 7740499 (deadhead pay and unlat. change, past practice terminated for mistake and mgr. right; sick leave negotiated change)
- *Dillard's/Rodney*, 2014 WL 7740500 (Employ Arb - failure Claimant prosecute and obey Arbitrator's Orders)
- *Miami-Dade County/AFSCME*, 2014 WL 6808882 (timeliness knowledge of grievance)
- *City of Hollywood, FL/AFSCME*, 2014 WL 6465248 (personal leave contract language; harmonizing intent, ambiguous, bargaining evidence))
- *Miami-Dade County/IAFF*, 2014 WL 6808887 (bifurcation; timeliness; waiver; efficiency)
- *Miami Dade County/PBA*, 2014 WL 1694033 (Inmate's audio taped t/c's with guard; credibility)
- *Miami-Dade County/AFSCME*, 2014 WL 4602482 (Union withdrew arb; timeliness and issue of re-filing)
- *So. Fl. Reg. Transit Authority/IBT*, 2014 WL 2770026 (13c claimants and "federal project" terminations)
- *Jackson Hospital, Miami-Dade Public Health Trust/AFSCME*, 2014 WL 852205 (Credibility; security tapes; full investig. progress. discipl.)
- *City of Memphis / IAFF*, 2013 WL 7069671 (unbecoming conduct; mitigation)
- *Broward Sheriff's Office/PBA*, 2013 WL 8359912 (Unbecoming conduct; burden proof; hearsay)
- *Polk County, FL/ Federation of Public Employees*. 2013 WL 7178990 (Safety; sleeping; full investigation)
- *City of Lauderhill/FOP*, 2013 WL 6576868 (Contract interpretation; no specific provision lieutenants demoted to b/u)
- *City Titusville/IAFF*, 2013 WL 5822309 (Unilateral bonus pay action; prevailing practices CBA provision)
- *City of Hialeah/ PBA* (8/30/13), 2013 WL 5822307 (failure obey orders; management laxity)
- *JEA/JEASA*, 2013 WL 5503712 (sup. laxity enforcing safety rules; hazardous work; mitigation)
- *Miami-Dade County/ PBA*, (6/2/13), 2013 WL 5231580 (Law Enf. Bill Rights Fl; withhold info; prompt discipline; specs) - *City of Hialeah, FL/PBA*, (8/5/13), 2013 WL 5503709 (unattend pol. car running; no emergency; reasonable decision; mitig.
- *Shands UF Jacksonville Medical Center/AFSCME*, 2013 WL 5231581 (Motion to Dismiss Timeliness)
- *U.S. Army Missile Center/AFGE*, 113 LRP 38398 (2013)
- *City of Hialeah, FL/PBA*, (4/29/13), 2013 WL 5564036 (unattend pol. car; no emergency; reasonable decision; mitig.
- *Miami-Dade County/ Dade County PBA* (4/24/13), 2013 WL 5231579 (Burden Proof; recanting statements; hearsay)
- *Edison State College/United Faculty Fl.*, 131 LA 1278 (2013) (Unavailable funds)
- *City of Hialeah, FL/PBA*, 2013 WL 1947614 (Pro. due process; excessive and progressive discipline; police duty obey laws)
- *Miami-Dade County/PBA*, 2013 WL 1947618 (contract interpretation taking on obligations not expressed at bargaining) - *Town of Bay Harbor Islands, FL /PBA*, 2013 WL 1324460 (timeliness; defense to timeliness after hearing; continuing violation defense; police safety; bulletproof vests; contract interpretation)
- *St. Mary's Hospital/Williams*, 2013 WL 6980511, (Employ Arb – Race discrimination and pay)
- *Murray Guard/UGA*, 131 LA 625 (2013); 2013 WL 1195546 (Vacation calculation; past practice; interpretation)
- *Murray Guard/UGA*, (Supp. Decision); 2013 WL 1195546 (unilateral change after decision)
- *Miami-Dade County/IAFF*, 131 LA 287 (2013); 2012 WL 6754118 (falsify; insubord; due process delay; burden proof)
- *Miami-Dade County/GSAF*, 130 LA 1448; 2012 WL 6964392 (grievance moot; rule draft at peril; Mayor veto as "final")
- *United Parcel Service/IBT*, 130 LA 1260, 2012 WL 3276618 ("cardinal rule;" insubordination; job abandonment)
- *United Parcel Service/IBT*, 130 LA 1373 (2012) (supervisors doing unit work)
- *City Key West/PBA*, 41 LAIS 117 (2012) (Unit ee supervisor perf. standards; truthfulness)
- *Cemex/IBT*, 130 LA 868 (2012) ("Lock out, tag out" safety; management awareness; disparate treatment)
- *AmeriGas/IBT*, 130 LA 1050 (2012) (Timeliness of discharge per CBA)
- *Carrier Corp./USW*, 2012 WL 3755671 (2012) ("Lock out/tag out" safety; seniority; record; disparate; progressive discipline; laxity of supervision)
- *Fortune Street Partners/ Rosa*, 2012 WL 1499088, (Employ Arb – workers' comp retaliation)
- *BASF/USW*, 130 LA 1124 (2012); 2012 WL 3755670 (2012) (Drug possession; mitigation; disparate treatment)
- *Miami-Dade County/GSAF*, 2012 WL 2428595 (2012) (arbitrability; lay-offs; eliminate unit)
- *Auto Truck Transport/IAM*, 2012 WL 2428594 (2012) (Due process notice and investigation; threats by management and employee; disparate treatment; management conduct as mitigating factor)
- *Dept. Veterans Affairs Hospital/AFGE*, 130 LA 435 (2012); 2012 WL 1499084 (2012) (Performance Incentive Plan)
- *City Orlando/IAFF*, 2012 WL 1499086 (2012) (Demotion; mitigation; zero tolerance)
- *School District Manatee/Manatee Ed. Assoc.*, 125 LA 775, 2012 WL 264189 (2012) (Interest arb)
- *Dept. Veterans Affairs Hospital/AFGE*, 130 LA 980 (2012); 2012 WL 1499084 (order delay; due process; investigation; mitigation)
- *City Daytona Beach/IAFF*, 129 LA 1633 (2012) (Interest arb)
- *University Florida/ Indiv. Grievant*, 129 LA 1744 (2012); 2012 WL 592755 (Grievant non-appearance; false document; post hearing evidence)
- *Broward County, Florida/ATU*, 2011 WL 7415529 (Bus driver threats to passenger; prog. discipl. disp. treatment; failure call deciding official as witness; EAP as mitigation)
- *JEA/AFSCME*, 2011 WL 7429428 (Customer. Service rep incompetency; fraud; credibility; prog. discipline; mitigation performance Evaluations; due process; hearsay; disparate treatment)

-*Velsicol Chemical Corp./USWA*, 2011 WL 6973272 (2011) (falsify; insubordinate; safety; delay termination; progressive discipline; seniority mitigation)

-*Miami-Dade Public Schools/United Teachers Dade*, 2011 WL 7112644 (2011) (Interest arb)

-*Escambia County Sheriff's Office/Fl. PBA*, 129 LA 1406 (2011); 2011 WL 7331764 (interpretation - final and binding; compensation forfeiture; fashion remedy)

-*Jackson Hospital, Miami-Dade Pub. Health Trust./AFSCME*, WL 6973265 (2011) (absenteeism; mitigation)

-*Dept. Justice/Nat. Assoc. Immigration Judges*, 129 LA 775 (2011); 11-2 ARB ¶5405 (Egregious conduct by federal Judge; delay investigation, undue length and delay decision; *Douglas* factors mitigation; progressive discipline)

-*Dept. Justice/Nat. Assoc. Immigration Judges*, 111 LRP, 61022 (2011) (Attorney's Fees and Costs Application by Union)

-*Miami-Dade County/AFSCME*, 12-1 ARB ¶5453 (2011); 2011 WL 7463967 (Failure report cash shortage)

-*City Hialeah, FI/AIFF*, 11-2 ARB ¶5348 (2011); 2011 WL 4089849, (arbitrability; economic reasons terminations 16 officers; cost analysis)

-*Miami-Dade County/AFSCME*, 40 LAIS 82 (2011) (Seaport security; hearsay; penalty reasonableness; disparate treatment)

-*City Coral Gables/IBT*, 2011 WL 6005178 (2011) (Lay-offs; bumping)

-*UGL Services/SEIU*, 2011 WL 6005178 (2011) (Sleeping; credibility)

-*Hillsborough Fl. Area Rapid Transit (HART)/ATU*, 2011 WL 4089848 (2011) (Accident; full investigation; credibility)

-*Miami-Dade County/AFSCME*, 11-2 ARB ¶5375 (2011); 2011 WL 3611984 (dishonesty; falsification; credibility)

-*Broward College/FPU*, 11-2 ARB ¶5318; 2011 WL 4537213 (2011) (insubord; progressive discip; remedy)

-*City of Memphis/IUOE*, 128 LA 1669 (2011); 11-2 ARB ¶5284 (Emergency overtime; past practice)

-*Miami-Dade County/IAFF*, 2011 WL 3611985 (2011) (Insubordination; obey now; exceptions; ignore Award; mitigation - *Doyon-Akal/NUSOG*), 11-1 ARB ¶5255 (2011) 2011 WL 4089844 (2011) (Contraband; prog. discp. ICE regs just cause)

-*Celebrity Cruises & Federizzazione Italianan Transporti*, 126 LA 639 (2011); 111 LPR 32615 (2011) (failure file grievance)

-*Miami-Dade County/TWU*, 129 LA 1327 (2011); 2011 WL 7429429 (timeliness; overtime equalization)

-*SMG Pensacola/ IATSE*, 11-1 ARB ¶5209; 11 LRP 482 (2011) (timeliness; union access; steward definition)

-*State of Florida/ PBA (Narine)*, 111 LRP 484 (2011) (Unbecoming conduct; burden proof)

-*State of Florida/ PBA (Ram)*, 111 LRP 480 (2011); 10-2 ARB 5081 (2010) (due process; notification; citation tampering) - *Walt Disney World/UFCW*, 128 LA 1455 (2011); 111 LRP 13416 (2011) (sex harass.; horseplay, threats, timeliness discipline; proof; fair investig.; lax enforce rules; dispar. treatment; settlement part of case; no back pay reinstatement)

-*City of Pompano Bch, Fl /IAFF*, 10-2 ARB ¶5124 (2010) (insubord; union animus; neglig; burden; hearsay; prog. discip)

-*Southwest Airlines/TWU*, 2010 WL 8269061 (2010) (attendance; due process; fair/objective fact finding)

-*Crowley Liner Services/ IBT*, 110 LRP 62220 (2010); 10-2 ARB 5102 (2010) (Subcontract; contract intent)

-*City of Margate, Fl/ IAFF*, 11-1 ARB ¶5149 (2010) (sexual assault; credibility; hearsay; remedy)

-*Social Security Admin./AFGE*, 127 LA 1760 (2011); (Instruction; progressive; credibility; dictionary intrep.)

-*Florida Public Utilities Co/ Chemical Workers*, 110 LRP 62226 (2010) (Insubord. Negligence; disparate; past discipline)

-*Pat Saloman and Sons/ IBT*, 110 LRP 62258 (2010) (Safety; fair investigation)

-*Gadsden County, Fl/ IBEW*, 110 LRP 50875 (2010) (Investigation; negligence; double jeopardy; evenhanded)

-*City Hialeah / FOP*, 110 LRP 51006 (2010) (Proof; investigation; timely discipline; Police shirk duties)

-*City of Palm Bay/ NAGE*, 110 LRP 50873 (2010) (Insubord. negligence; investigation; mitigation; disparate treatment)

-*Delaware North Companies/ IAM*, 110 LRP 46048 (2010) (Performance; past discipline unchallenged; investigation)

-*Broward County Sheriff's Office/ FPE*, 110 LRP 46038 (2010) (Unbecoming conduct; mitigation)

-*Montgomery County, Al. Bd. Educ/Pitts*, 110 LRP 46035 (2010) (Possess concealed weapon on school property; credibility)

-*Fed. Bureau Prisons/AFGE*, 110 LRP 16615 (2010)

-*Cemex Construction/ IBT*, 10-2 ARB ¶5051 (2010); 11 LRP 51008 (2010), (Timeliness. Recognition clause enforcement)

-*Hertz Corp/ IBT* 10-2 ARB ¶5022 (2010) (Burden proof; Intimidation; Harassment)

-*City of West Palm Beach/ PBA*, 10-1 ARB [¶4966] (2010) (promotional language interpretation)

-*United Launch Alliance/ IAM*, 10-1 ARB [¶4967] (2010); 110 LRP 43762, (conceal; whistleblowing; disp. tr., mitigation)

-*Fed. Bureau Prisons/AFGE*, 110 LRP 16615 (2010) (prompt discipline; absenteeism; due process) - *Miami-Dade County/AFSCME*, 10-2 ARB [4988]; 110 LRP 28607 (2010) (hazardous working conditions)

- *Macy's/Valence*, 2010 WL 10149958 (employment arb)

- *Premier Beverage/Ghibaudy*, 2010 WL 10149959 (employment arb)

- *Miami-Dade County/AFSCME*, 11-1 ARB ¶5170 199, (2010) (probationary status)

- *Valero Energy/USW*, 10-1 ARB [¶4901] (2009); 110 LRP 28585 (2010) (Poor performance; progressive disc. mitigation)

- *State of Florida/AFSCME*, 10-1 ARB [¶4874] (2009) (sleeping; insubordination; unbecoming; threats)

- *Owens Corning/ IBT*, 09-2 ARB [¶4751] (2009) (sleeping)

- *Indian River County/ IAFF*, 09-2 ARB [¶4785] (2009) (timeliness; contract interpretation)

- *Miami-Dade County/IAFF*, 10-1 ARB [¶4813] (2009) (unilat. change working conditions; minimum standards)

- *City Key West & IAFF*, 109 LRP 18970 (2009) (Health Insurance)

- *Miami-Dade County & PBA*, 109 LRP 19021(2009) (negligent performance)

- *Dept. Vet. Affairs Hospital & AFGE*, 109 LRP 70627 (2009); 09-2 ARB [¶4785] (2009) (Job Vacancy)

- *Fed. Bureau of Prisons & AFGE* 109 LRP 70605 (2009) (timely discipline)

- *Walt Disney World & Carpenters*, 09-1 ARB 4574(2009); 2009 WL 4099760 (subcon; joint employer)
- *Celebrity Cruises Federazione Italiana Transporti*, 126 LA 639 (2008); 09-1 ARB 4605(2009) (class action)
- *City Naples, FL/AFSCME*, 109 LRP 6689 (2009); 092 ARB 4636 (2009) (safety; time; neglect; union animus; disparate)
- *City Hialeah, FL & PBA*, 109 LRP 6634(2009) (neglect, unbecoming; due process; disparate; mitigation)
- *HUD & AFGE*, 09-1 ARB 4545 (2009) (complying with orders)
- *City Oakland Park, FL & FPE*, 09-1 ARB 4511 (2009) (disparate treatment; mitigation; zero tolerance; due process)
- *Miami-Dade County Schools & AFSCME*, 125 LA 775 (2008) (Bargaining mistake)
- *Broward County, FL. & IAFF*, 125 LA 1323 (2008) (Overtime remedy)
- *Miami-Dade County/Dade County PBA*, 125 LA 878 (2008) (Job vacancy; past practice)
- *National Labor Relations Board? NLRB Union*, 123 LA 1742 (2007)(after-hours work; burden proof; safety; evaluation)
- *Dept. Justice, Federal Bureau of Prisons & AFGE 3690*, 107 LRP 45705 (2007) (Union representation)
- *Dept. Justice, Fed. Prisons & AFGE 3844*, 107 LRP 45703 (2007) (Overtime make whole remedy)
- *Dept. Justice, Fed. Prisons & AFGE 3690*, 107 LRP 4103 (2007) (impact bargaining working conditions)
- *Dept. Justice, Federal Bureau of Prisons & AFGE 3690*, 107 LRP 45709 (2007) (Overtime violation)
- *Wise Alloys LLC & N. Ala. Bldg. Tr. County* 123 LA 4 (2006) (Health insurance retirees; timeliness)
- *Arlen House Condominium Ass'n., & HERE*, 122 LA 503 (2006) (Expired contract & arbitrability)
- *Mail Contractors of America & APWU*, 122 LA 649 (2006) (Drug Testing DOT standards)
- *Broward County, FL. & IAFF*, 2006 WL 5249354 (Overtime)
- *The Hertz Corporation & IBT*, 10-2 ARB 5022 (2006); 2006 WL 752419
- *Dept. Veterans Affairs Hospital & AFGE*, 122 LA 106 (2006) (Internet usage; disparate treatment; insubordination)
- *PerkinElmer, Belfab Products & Sheet Metal Workers*, 2005 WL 1807020 (Timeliness; misconduct)
- *Bd. School Comm. Mobile County, AL. & Individ. Grievant*, 121 LA 1524 (2005) (Drug testing DOT standards)
- *Bd. School Comm. Mobile County, AL & Dunn*, 2005 WL 1659622 (Misconduct; mitigation factors)
- *Orange County, Florida & IAFF*, 121 LA 1002 (2005); 2006 WL 5249355 (Promotion & seniority)
- *City of Hialeah, FL. & PBA*, 121 LA 745 (2005) (Contact during hurricane warning; disparate treatment)
- *City of Atlantic Bch., FL. & FOP*, 121 LA 105 (2005) (Disclose confid. info; due process; warrantless entry)
- *Miami-Dade County & PBA*, 2005 WL 3781909 (use of force by police)
- *Dept. Justice, Fed. Bur. Prisons & AFGE 506*, 107 LRP 45707 (2005) (Indefinite suspension per federal law)
- *Palm Beach County, Florida & CWA*, 2005 WL 3121212
- *City of Sanford, FL. & FOP*, 2005 WL 3121213 (language; demotion; mitigation)
- *City of Miami Beach, Florida & CWA*, 120 LA 878 (2004) (Longevity pay)
- *City of Lighthouse Point, FL./ PBA*, 2004 WL 3021870 (Just cause lang. not in contract; Chief credibility)
- *Akal Security & Nat. Union Security Officers*, 119 LA 21 (2004) (Arbitrability successor company)
- *City of Cocoa, FL. & IAFF*, 118 LA 1419 (2003) (Health insurance changes & bargaining; timeliness)
- *City of Cooper City, Florida & PBA*, 118 LA 842 (2003) (Sleeping; disp. treat; fair investig.; subsumed charges; neglect duty; unbecoming; falsification; penalty)
- *Miami-Dade County & AFSCME*, 2003 WL 22879059 (Inefficient performance)
- *Northrop Grumman/Glaser*, 2003 WL 26623324 (employment arb)
- *Dept. Vet. Affairs Hospital & AFGE*, 103 LRP 53857 (2003) (Promotions)
- *Waste Management & IBT*, 2003 WL 21235603 (insubordination)
- *Tarmac American & IUOE*, 119 LA 235 (2003) (Health insurance changes)
- *School Bd. Broward County, FL. & FOPE*, 117 LA 129 (2002) (Troublemaking; notification; pre-disciplinary)
- *City of Margate, FL. & FOP*, 116 LA 985 (2002) (Timeliness of one year old grievance; extension request)
- *Miami-Dade County & AFSCME*, 2002 WL 31485756
- *Intl. Playing Card Co. & Graphic Comm. Intl. Union*, 116 LA 717 (2002) (Layoff & reporting pay)
- *City of Daytona Beach & IBT*, 2002 WL 1653653 (language; demotion; disparate)
- *U. S. Geological Service & AFGE*, 115 LA 276 (2001) (Federal Travel Regulations; per diem rate; timeliness)
- *U.S. Environmental Protection Agency & AFGE*, 101 FLRR 2-1147 (2001); 2001 WL 471089 (performance)
- *City St. Petersburg, FL./PBA*, 2001 WL 1013742 (unbecoming conduct – police)
- *Florida Power Corporation/IBEW*, 2001 WL 1715718
- *Kaiser Fluid Technology/IAM*, 114 LA 262 (2000); 00-1 ARB 3419; (Layoff/discharge; proof; bumping; superseniority)
- *Bryan Foods, Inc. & UFCW*, 2000 WL 1298320 (Timeliness)
- *Osceola County, Fl. School Board & FTP-NEA*, 2000 WL 1513585 (School performance appraisal)
- *Broward County, Fl. Sheriff's Office & PBA*, 1999 WL 33245003
- *Delray Hospital/Tkach*, 199 WL 35374583 (employment arb)
- *City of Palm Beach Gardens, FL. IAFF* 112 LA 1153 (1999); 99-2 ARB 3140; (Health insur changes)
- *Broward County, Fl. Sheriff/FPE*, 112 LA 609 (1999) (child neglect; burden proof; obstruction of justice)
- *Avis Rent a Car/IBT*, 111 LA 961 (1999); 99-1 ARB 5502; (Spanish applicant: skill & ability; discrimination)
- *Broward County, Florida School Board & FPC*, 99-1 ARB 5382 (1998)
- *City Tampa & ATU*, 111 LA 65 (1998) (Physically incapable; bumping; reasonable accommodation)
- *Town of Magnolia Park, FL. & PBA*, 98-1 Arb 5097 (1998) (Falsification application; forgiveness issue.)

- *Broward Sheriff/FPE*, 110 LA 581(1998), 98-2 ARB 5223, (Fake drug tests; jokes; disparity; prog. disc., mitigation)
- *Levy County, Fl. & Laborers' In., Local 1101*, 109 LA 1184 (1998) (Illiterate employee; training; just cause)
- *Hillsborough Area Regional Transit Authority & ATU*, 1997 WL 727849
- *Hillsborough Area Regional Transit Authority & ATU*, 1997 WL 585654
- *U. S. Air Force, Warner Robins Air Logistics Center & AFGE*, 1997 WL 901852
- *City of Florida City, Fl. & PBA.*, 96-2 ARB 6231 (1996); 1996 WL 285035 (Police chase; due process)
- *School Board of Lee County, FL & Teachers Association of Lee County*, 1996 WL 931791
- *Metropolitan Dade County, FL & TWU*, 1996 WL 492117,
- *Palm Beach County Sch. Bd. & CTA*, 107 LA 363 (1996) (due process notification & investigation)
- *National Castings Inc. & UAW*, 97-1 ARB 3079 (1996); 1996 WL 492045
- *City of Panama City, Fl. & IAFF*, 1996 WL 491999
- *Jackson Hospital, The Public Health Trust Metropolitan Dade County, Fl. & SEIU*, 1996 WL 658888
- *City St. Petersburg, Fl. & Firemen*, 104 LA 136 (1995); 95-1 ARB 5149 (1995) (Job vacancies testing)
- *City of Chicago & Fraternal Order of Police*, 1640 GERR 1434, (1995) (Police use of stun gun)
- *Metro Dade County, FL & Indiv. Grievant*, LAIG 5074, (1995) (Misconduct)
- *ITT Sheraton Bal Harbour Resort/Hotel Union*, 102 LA 903 (1994); 94-1 ARB 4285 (1994) (Automatic tipping; discrimination; unilateral action; arbitrability; waiver)
- *American National Rubber Co. & Laborers*, 94-1 ARB 4120 (1994); 1993 WL 798463 (Misconduct)
- *Justrite Manuf. Co. & USW*, 1993 WL 788563
- *SSI Services, Inc. & IAM*, 1993 WL 801413
- *Boeing Aerospace Operations & IAM*, 93-2 ARB 3389 CCH (1993); 1993 WL 790223 (Bargaining) - *Board of Education Peoria, Ill. & Fireman and Oilers*, 1993 WL 800924
- *Lockheed Aeronautical Systems Co. & IAM* 2260, 101 LA 526 (1993) (Racial slur & name calling)
- *Jefferson Smurfit Corp. & Paperworkers*, 1993 WL 788706
- *City of Lake Worth, Fl. & IAFF*, 1993 WL 790046
- *Carlton Div. Lamson/Rubber Workers*, 99 LA 677 (1992); 92-2 ARB 8541 CCH (1992); (Drug testing; reasonable suspicion) - *City of North Port Fl. & PBA.* 93-1 ARB 3110 CCH (1993); 1993 WL 800855
- *Dundee, IL Comm. School Dist. & Transp. Employees*, 92-2 ARB 8523 CCH (1992); 1992 WL 717184
- *City of Titusville, Fl. & PBA*, 101 LA 828 (1993) (Attendance; sick leave pattern abuse)
- *Zenith Radio Corp. & Radionic Workers*, 72-2 ARB 4993 CCH (1972) (Classification of Jobs)

Labor Arbitration Awards cited in Books and Treatises:

•Elkouri & Elkouri, *How Arbitration Works*, (Sixth Edition, 2003):

- *Carlton Div. Lamson & Sessions Co.* (Chapter 8, footnote 50)
- *Broward County Sheriff's Office* (1999) (Chapter 8; text quoted in footnote 238)
- *ITT Sheraton Bal Harbour Resort* (Chapter 10; text quoted in footnote 346)
- *U. S. Geological Service* (Chapter 11, footnote 24)
- *Intl. Playing Card & Label Co.* (Chapter 11, footnote 801)
- *Kaiser Fluid Technologies, Inc.* (Chapter 11, footnote 830)
- *Kaiser Fluid Technologies, Inc.* (Chapter 14, footnote 286)
- *Carlton Div. Lamson & Sessions Co.* (Chapter 15, footnote 113)
- *Kaiser Fluid Technologies, Inc.* (Chapter 15, footnote 121)
- *City of Palm Beach Gardens, Florida* (Chapter 17, footnote 737)
- *U. S. Geological Service* (Chapter 18, footnote 44)
- *ITT Sheraton Bal Harbour Resort* (Chapter 18, footnote 80)
- *U. S. Geological Service* (Chapter 18, footnote 184)
- *Palm Beach County School Board* (Chapter 19, footnote 33)
- *Palm Beach County School Board* (Chapter 19, footnote 62)

• 2008 Supplement:

- *City Miami Beach* (2004) – Ch. 9 “Interpreting Contractual Language.” even if language plain, need to see context.
- *City of Cocoa* (2003) – Ch. 13 “Management Rights.” p. 259. changes in health insurance as mandatory subjects of bargaining.

• Elkouri & Elkouri, *How Arbitration Works*, (Seventh Edition, 2012):

All cases in 6th Ed. above also cited in 7th Ed., plus the following new cases since 2003:

- *Celebrity Cruises* (2008) – (No class action by individual employees. See language of contract.)
- *Dept. of Veteran Affairs* (2006) – (Non-work related internet access)
- *Social Security Admin* (2011)(Online dictionary to interpret)
- *Tarmac American*, (2003) – (Interpretation - more than testimony - see negotiation minutes, meeting records, etc.).

- *Bd. School Comm. Mobile County* (2005) – (Failure follow DOT drug collection & testing protocols)
- *Mail Contractors* (2006). (Drug use test results erroneous when not per DOT requirements in CBA & employer handbook.)
- *Dept. Veterans Affairs*, (2012) (notice failed contain rule employee violated)

• **Elkouri & Elkouri, *How Arbitration Works***, (Eighth Edition, 2016): All cases in 6th Ed. and 7th Ed. above also cited in 8th Ed.

• **Brand and Biren, *Discipline and Discharge in Arbitration***, (Second Edition, 2008):

- *School Bd. Broward County* 117 LA 128, (2002). Return to work place inappropriate as remedy. Numerous complaints. - *City of Cooper City, Florida*, 118 LA 842 (2003). Timely, fair investigation; prog. Discipline; dispar. treatment; union burden
- *Lockheed Aeronautical Systems Co.* 101 LA 526 (1993). Racial slurs.
- *Mail Contractors of America*, 122 LA 649 (2006). Use of non-DOT drug test violated CBA. - *Bd. of School Comm. Mobile County*, 121 LA 1524 (2005). Drug policies violated fed regs.
- *City Tampa*, 111 LA 65 (1998). ADA.

• **Brand and Biren, *Discipline and Discharge in Arbitration***, (Third Edition, 2015):

Includes cases cited in 2nd edition plus the following new cases: -

- *Dept. of Justice*, 129 LA 775 (2011) timeliness of termination
- *AmerGas*, 130 LA 1050 (2012) timeliness of termination in CBA
- *Dept. of Veteran Affairs*, 130 LA 9890 (2012) investigation improper; due process effect on termination
- *BASF Catalysts*, 130 LA 1124 (2012) termination outdated drug policy; service record; perfect attendance; rehab
- *Cemex Construction*, 130 LA 868 (2012) Safety and progressive discipline and mitigation
- *Dept. Vet. Affairs*, 122 LA 106 (2006) excessive use internet; pornography
- *Walt Disney World*, 128 LA 1455 (2010) horse play; sexual harassment; employer conduct; missing witness inference

• **Schoonhoven, Ed., *Fairweather’s Practice and Procedure in Labor Arbitration*** (4th Ed. 1999)

- *ITT Sheraton/Sheraton Bal Harbour Resort*, 102 LA 903 (1994) Ch. 15 at 469: “Arbitrator Hoffman stated succinctly: ‘The power to decide a violation carries with it the power to award a remedy . . . The inherent power to award monetary damages stems from the contractual notion that the parties should be in a position they would have been had there been no violation.’”

Interest Arbitration Decisions Published by Florida Public Employee Relations Commission

SM-98-009	<i>City of Fort Myers and Fort Myers City Employee's Association</i> , PERC (1998)
SM-97-010	<i>City of Riviera Beach and Palm Beach County PBA</i> , PERC (1997)
SM-00-037	<i>Miami/Dade County and TWU Local 291</i> , PERC (2000)
SM-02-043	<i>Broward Community College and UFF, Broward Community College</i> , PERC (2003)
SM-03-033	<i>City of Naples and AFSCME Council 70</i> , PERC (2003)
SM-04-001	<i>Orange County Board of Commissioners and FOP Lodge #86</i> , PERC (2004)
SM-06-034	<i>Marion County Bd. County Comm. and PFF of Marion County, Local 3169</i> , PERC (2006)
SM-06-049	<i>Okeechobee County Board of County Commissioners and IUOE, Local 487</i> , PERC (2007)
SM-07-026	<i>Nassau County BOCC and Nassau County Fire-Rescue Professionals, Local 3101</i> (2007)
SM-07-049	<i>Miami-Dade County Public Schools and Florida State Lodge FOP</i> , PERC (2008)
SM-09-055	<i>City of Leesburg and Florida Police Benevolent Association, Inc.</i> , PERC (2009)
SM-09-058	<i>Clay County BOCC and Retail, Wholesale & Department Store Union</i> , PERC (2010)
SM-09-074	<i>City of Winter Park/Winter Park Professional Firefighters, Local 1162</i> , PERC (2010)
SM-10-004	<i>Town of Medley and Federation of Public Employees</i> , PERC (2010)
SM-10-020	<i>City of Deltona and Deltona Professional Firefighters</i> , PERC (2010)
SM-10-100	<i>Miami-Dade County Public Schools/United Teachers Dade</i> PERC (2011); 2011 WL 7112644
SM-11-063	<i>City of Daytona Beach/International Association of Firefighters</i> , PERC (2012)
SM-11-091	<i>School Dist. Manatee County/Manatee Educ. Association</i> , PERC (2012); 2012 WL 7112644
SM-11-45	<i>City of Hollywood, Florida/AFSCME</i> , PERC (2012)
SM-11-46	<i>City of Hollywood, Florida/AFSCME</i> , PERC (2012)
SM-11-47	<i>City of Hollywood, Florida/AFSCME</i> , PERC (2012)
SM 2012-36	<i>Charlotte County, Florida/IUP</i> , PERC (2012)

SM-2011-083	<i>City of Hollywood, Florida/IAFF, PERC (2012)</i>
SM 2011-098	<i>Central Florida Regional Transportation Authority/ATU, PERC (2012)</i>
SM 2012-38	<i>City of Jacksonville Beach, Florida/IAFF, PERC (2012)</i>
SM 2012-76	<i>Edison State College/UFF PERC (2013)</i>
SM 2013-04	<i>City of Jacksonville, FL/CWA, PERC (2013)</i>
SM 2014-008	<i>City of Melbourne/IAFF, PERC (2014)</i>
SM 2015-045	<i>Town of Indialantic/IAFF, PERC (2016)</i>
SM 2016-027	<i>School District Manatee County/Manatee Education Association, PERC (2017)</i>
SM-2017-007	<i>City of Hialeah/AFSCME 161 (PERC 2017); 2017 WL 3701003</i>
SM-2017-010	<i>Santa Rosa School District/ Santa Rosa Professional Educators, (PERC 2017); 2017 WL 4386431</i>

Publication Policy for all Decisions: Parties not desiring publication, except Florida interest arbitration cases, need contact the arbitrator within 30 days after issuance of the decision.

APPENDIX B

FEE SCHEDULE

- **Grievance and Interest Arbitration:** Hearing (per diem not exceeding 6 hours) -- \$2500.00 for each scheduled day. Preparation of award and study time (per 8-hour day) -- \$2500.00 per diem. Time may be prorated for research, study and pre-hearing matters. Hearings requiring extensive travel, complex issues, including but not limited to class actions and special accelerated hearings and decisions may result in the arbitrator applying his \$2750.00 per diem upon notification to the parties. Additional per diem shall be charged for *travel time* extending into day following hearing. Time is not charged for scheduling of the hearing.
- **Florida Arbitration:** Given the arbitrator's move to Arizona in mid-2018 and his intent to continue his longstanding arbitration work in Florida, his travel expenses shall be determined from Plantation, Florida.
- **Labor Mediation/Fact Finding:** Mediation conference, fact finding hearing, all pre and post conference/hearing matters and travel day -- \$2500.00 per diem. Additional per diem shall be charged for *travel time* extending into day following hearing/conference. Time is not charged for scheduling of the hearing/conference.
- **Employment Arbitration:** Non-union contractual clauses for employment or commercial and injury disputes that require arbitration -- \$3000.00 per diem (up to 6 hours) for each day of hearing, and \$600.00 per hour for study, research for decision, and pre and post decision matters. Per diem charged for time spent traveling into following day.
- **ICDR and International Arbitration:** Per the ICDR Seafarers Panel Special Rate applicable to the entire roster of arbitrators if filed as an ICDR matter. Otherwise fees shall be the same as Employment Arbitration above, or Grievance Arbitration fees if no pre-hearing discovery is applicable.
- **Cancellation/Postponement Policy:** Unless otherwise provided above, a full per diem fee will be charged for each day reserved for hearing -- if the hearing is canceled or postponed by any party for any reason less than 30 days prior to each date reserved. Multiple day hearings of three or more days require 45 days' notice. Days reserved for necessary travel are subject to cancellation fees.
- **Travel Time:** Travel time is the applicable per diem rate, unless an hourly fee for the matter is charged. Automobile mileage is .65 per mile or the applicable government published rate, whichever is lower.
- **Expenses:** All actual expenses shall be billed to the parties for the following: lodging; meals; air (lowest unrestricted fare available for convenient flights at time of purchase, (non-stop flights where available), coach class for flights of less than three hours and business or first class for longer flights; hotel and air cancellation fees; other transportation; telephone; internet; parking; fax; cancellation fees or any change fees charged by airlines, hotels or rental car companies. Extraordinary administrative expenses are billed as incurred. Other necessary expenses may be billed to the parties.

- **Interim Billing:** Such billing may occur for expenses and/or per diem incurred in certain situations: where the travel expense includes airfare; multiple hearing dates scheduled over several weeks or months; appearance, postponement and travel; an unusual length of time exists between close of hearing and filing of post-hearing briefs; postponement fees.
- **LATE PAYMENT BILLING and PAYMENT POLICY:** Payment is due promptly upon receipt of invoice. An unpaid invoice after 30 days will result in simple interest at 1.5% per month (18% per annum), including the first 30 days, added to invoices and accounts unpaid.
- • **Publication Policy:** Parties not desiring publication need contact the arbitrator within 30 days after issuance of the decision. • •